

Notice of Allowability

Application No.

10/789,828

Applicant(s)

LACY ET AL.

Examiner

John A. Tweel, Jr.

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application dated 2/27/04.
2. ☒ The allowed claim(s) is/are 1-47.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 2/27/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

- Paragraph 1, Line 2: Please insert the word --a-- before the word "wireless".
- Paragraph 3, Line 3: Please replace the word "source" with --sources--.
- Paragraph 6, Line 1: Please delete the third occurrence of the word "a" before "practical".
- Paragraph 7, Line 1: Please insert the word --a-- before the word "wireless".
- Paragraph 10, Line 3: Please delete the word "a".
- Paragraph 19, Line 1: Please replace "Figure 4C is" with --Figures 4C-4E are--.
- Paragraph 20, Line 1: Please replace "Figures 4F and 4G" with --Figures 4F-4H and 4J--.
- Paragraph 39, Line 8: Please delete the word "a" before "mobile".
- Paragraph 50, Line 3: Please insert --4C-- after the second occurrence of the word "Figure".
- Paragraph 50, Line 10: Please replace "capacitors" with --capacitor--.
- Paragraph 69, Line 8: Please replace the word "activates" with --activated--.
- Paragraph 76, Line 7: Please insert the word --a-- before "predetermined".

The following is an examiner's statement of reasons for allowance:

2. Claims 1-47 are allowed.

3. Several references are used to turn off power to machinery in emergency situations. However, there is no prior art device that also operates in a plurality of different modes including disabling operation of the power machinery and preventing a third party from inadvertently initiating operation of the power machinery from a remote location while transmitting a distress signal to the third party.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maletta [U.S. 4,973,944] straps to a wrist of a user for a proximity-warning device.

Dubois, III [U.S. 5,025,175] provides a safety means for powered machinery.

Wolf [U.S. 6,124,791] is an on-off switch for a lawnmower.

Mayr et al [U.S. 6,160,323] has several switching circuits and position-sensing devices for controlled machines.

Drinkard [U.S. 6,753,776] provides visible indicators for indicating a relative location of objects within a scanning field of view.

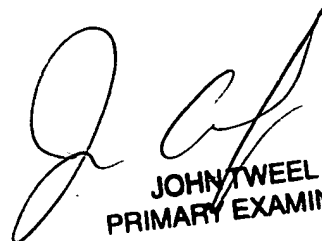
Zeng et al [U.S. 6,897,783] uses RF transmission to be worn by electricians and construction workers.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 571 272 2969. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 571 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAT
9/17/05


JOHN TWEEL
PRIMARY EXAMINER